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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH CENTRAL DIVISION

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WILLIAM ADAMS,  
Plaintiff,  
v.  
DR. RICHARD GARDEN, et al.,  
Defendants.

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Case No. 2:10cv00746

Judge David Sam

Pursuant to Rule 56-1(a) of the Rules of Practice for the District of Utah, Defendants Richard Garden, M.D., Kennon Tubbs, M.D., and Chris Abbott, P.A. (collectively “Defendants”) submit this Motion for Summary Judgment.

The basis of this motion is that Defendants are entitled to qualified immunity because Adams cannot show that any of the Defendants violated his Eighth Amendment right to be free from cruel and unusual punishment. In this case, there is no evidence to support Adams’s claim that Defendants were deliberately indifferent to his medical

needs. On the contrary, the undisputed facts show that Dr. Garden, Dr. Tubbs and Physician's Assistant Chris Abbott provided excellent, attentive medical care to Adams. The medical records and testimony plainly show that the medical personnel at the USP reviewed Adams's prior medical history, quickly identified Adams's medical condition, and properly treated Adams's osteoporosis. In this case, all the evidence supports Defendants' contention that inmate Adams's medical needs were fully met, as Adams has continually received his Actonel on a weekly basis since his return to the Utah State Prison on April 6, 2009 and he will continue to receive his Actonel on a weekly basis as long as it is medically necessary or until he paroles or is discharged from the USP. *Decl. Garden ¶ 31, Decl. Abbott ¶ 27.* Accordingly, Defendants respectfully request that this Court grant Defendants' Motion for Summary Judgment.

Concomitantly with the filing of this motion, Defendants have filed a memorandum in support of this motion.

DATED this 28th, day of February, 2012.

MARK L. SHURTLEFF  
Utah Attorney General

/s/ David N. Wolf  
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Attorney for Defendants

**CERTIFICATE OF SERVICE**

I certify that on February 28, 2012, I electronically filed the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**, using the Court's CM/ECF system, and mailed a true and correct copy by United States mail, postage prepaid, to:

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/s/ Yvonne Schenk